

161—3.5(216) Filing of documents with the Iowa civil rights commission. Any document, including a complaint of discrimination, may be “filed” with the commission by any one of the following methods:

3.5(1) *In person.* By delivery in person to the offices of the commission at the location set forth in 161—paragraph 1.1(1) “b” during the office hours set forth in said paragraph “b.”

3.5(2) *By mail.* By depositing the document in the United States mail, postage prepaid, in an envelope addressed to the Iowa civil rights commission at the address set forth in 161—paragraph 1.1(1) “b.” In the case of state agencies or other persons served by the state local (interoffice) mail, it is sufficient to deposit the document in Iowa state local (interoffice) mail in an envelope designated “Local” and addressed to the “Iowa Civil Rights Commission.”

3.5(3) *By facsimile transmission (fax).* By transmitting via facsimile transmission a copy of the document to the fax number set forth in 161—paragraph 1.1(1) “b.”

A document filed by fax is presumed to be an accurate reproduction of the original. If a document filed by fax is illegible, a legible copy shall be substituted and the date of filing shall be the date the illegible copy was received.

3.5(4) *By courier service.* By delivering the document to an established courier service for immediate delivery to the Iowa civil rights commission at the address set forth in 161—paragraph 1.1(1) “b.”

3.5(5) *Suggested procedures for facsimile transmissions (fax).* In order to avoid an incomplete or illegible fax, it is suggested that those desiring to “file” a document via that method follow these procedures:

a. Precede each transmission with a cover sheet setting forth the name of the sender, the specific individual (if any) to whom the transmission is directed, the date of the transmission, and the number of pages including the cover sheet to be transmitted.

b. On the same day as the transmission, speak by telephone to a member of the staff of the commission and confirm that the transmission was received and all pages were legible.

c. After the transmission, promptly mail to the commission the original “hard copy” of the document along with the cover sheet which preceded the transmission (or a copy of the transmission report).

d. After the transmission, mail to the commission a letter setting forth the date and time of the transmission and, if applicable, the specific individual to whom the sender spoke in order to confirm that the transmission was received and all pages were legible.

3.5(6) *Charge for facsimile transmissions in excess of five pages.* For facsimile transmissions in excess of five pages, the commission will bill the sender a reasonable fee for each page in excess of five pages.

3.5(7) *Date a document is deemed to be “filed” with the commission.* The date on which any document is deemed to be “filed” with the commission is determined according to the following:

a. Filing in person. If the document, including a complaint of discrimination, is filed in person as set forth in subrule 3.5(1), then the date of the filing is the date that the document is delivered to the commission offices and date-stamped received.

b. Filing by mail. If the document, except for a complaint of discrimination, is filed by mail as set forth in subrule 3.5(2), then the date of the filing is date of mailing.

c. Filing by facsimile transmission. If the document, including a complaint of discrimination, is filed by facsimile transmission as set forth in subrule 3.5(3), the date of the filing is the date the document is received by the commission as shown on the face of the facsimile. However, if a transmission is received after the office hours set forth in 161—paragraph 1.1(1) “b,” the date of filing is the next day the commission offices are open for business. Transmissions received prior to office hours on a regular business day are deemed filed on that day.

d. Filing by courier service. If the document, except for a complaint of discrimination, is filed by courier service as set forth in subrule 3.5(4), then the date of the filing is the date the document is delivered to the established courier service for immediate delivery to the Iowa civil rights commission at the address set forth in 161—paragraph 1.1(1) “b.”

e. Presence of commission receipt stamp. Except where the date of the receipt stamp is demonstrated to be in error, the date of filing of a document, including a complaint of discrimination, shall in no event be deemed to be later than the date shown by the dated commission receipt stamp on the document.

3.5(8) *Proof of mailing.* Adequate proof of the date of mailing includes the following:

a. A legible United States Postal Service postmark on the envelope in which the document was enclosed.

b. A legible postage meter mark on the envelope in which the document was enclosed.

c. The date disclosed on a certificate of service.

d. The date disclosed on a notarized affidavit of mailing.

e. The date disclosed on a certification in substantially the following form: “The undersigned certifies under penalty of perjury and pursuant to the laws of Iowa that, on (date of mailing) I mailed copies of (describe document) addressed to the Iowa Civil Rights Commission, 400 E. 14th Street, Des Moines, Iowa 50319, and to the names and addresses of the persons listed below by depositing a copy thereof (in a United States post office mailbox with correct postage properly affixed) or (state interoffice mail) (Date) (Signature).”

f. The date listed on the cover letter which was sent by regular mail.

3.5(9) *Conflict among proofs of mailing.* The date of mailing is the date shown by the postmark. In the absence of a legible postmark, the date of mailing is the date shown by the postage meter mark, and only in the absence of both a legible postmark and a legible postage meter mark, the date of mailing is the date shown by the affidavit, certificate, or certification of mailing.

3.5(10) *Filing of complaint.*

a. A complaint of discrimination is filed by any of the methods listed in this rule.

b. The date a complaint of discrimination is filed with the commission is the date the complaint is received by the commission. However, if the complaint is filed by fax and is received after the office hours set forth in 161—paragraph 1.1(1)“*b*, ” the date of filing is the next day the commission offices are open for business. Transmissions received prior to office hours on a regular business day of the commission are deemed filed on that day.

c. Except where the date of the receipt stamp is demonstrated to be in error, the date of filing of a complaint of discrimination shall in no event be deemed to be later than the date shown by the dated commission receipt stamp on the complaint.